

**in the United States Patent and Trademark Office**

Applicant: Allan F. Willis, et al.

Docket No: BAL-17-CON2 (BA00136.2)

Serial No: 09/887,279

Group: 3762

Filed: June 22, 2001

Examiner: Kennedy, Sharon E.

For: Catheter With Distalling  
Distending Balloon

**Terminal Disclaimer**

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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**The Present Application**

Ballard Medical Products, doing business at 12050 Lone Peak Parkway, Draper, Utah, 84020, is the assignee of the entire right, title and interest in and to the above-referenced present pending U.S. patent application serial number 09/887,279 filed on June 22, 2001, for "Catheter With Distalling Distending Balloon".

1. Assignment of the inventor's rights in present patent application serial number 09/887,279 to Ballard Medical Products is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 9439, Frame 0831.
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**Commonly Assigned Patents**

Ballard Medical Products is the assignee of the entire right, title and interest in and to U.S. patent number 5,997,503 issued on December 7, 1999, for "Catheter With Distalling Distending Balloon."

Ballard Medical Products is the assignee of the entire right, title and interest in and to U.S. patent number 6,264,631 issued on July 24, 2001, for "Catheter With Distalling Distending Balloon."

Assignment of the Inventor's rights in U.S. patent numbers 5,997,503 and 6,264,631 to Ballard Medical Products is evidenced by an assignment document which has been recorded in the U.S. Patent and Trademark Office at Reel 9439, Frame 0831. A copy of the assignment and the Notice of Recordation is included.

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### **Right of Assignee to Prosecute**

Ballard Medical Products certifies:

- (a) that the evidentiary documents have been reviewed; and
  - (b) that to the best of Ballard Medical Product's knowledge and belief, title of present U.S. patent application serial number 09/887,279 is in Ballard Medical Products.
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### **Provisional Terminal Disclaimer**

Ballard Medical Products hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present U.S. patent application serial number 09/887,279 which would extend beyond the expiration date of the full statutory term, including any applicable term extension, defined in 35 U.S.C. 154 and 156 for U.S. patent numbers 5,997,503 and 6,264,631.

Ballard Medical Products hereby agrees that any patent granted upon present U.S. patent application serial number 09/887,279 shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. patent numbers 5,997,503 and 6,264,631. This agreement shall run with any patent granted upon present U.S. patent application serial number 09/887,279 and shall be binding upon Ballard Medical Products, its successors and/or assigns.

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### **Exception to Terminal Disclaimer**

In the event that, after the filing of this Terminal Disclaimer, should one of U.S. patent numbers 5,997,503 and 6,264,631:

- (a) expires for failure to pay a maintenance fee;
- (b) is held unenforceable;
- (c) is found invalid by a court of competent jurisdiction;
- (d) is statutorily disclaimed in whole;
- (e) is terminally disclaimed under 37 C.F.R. 1.321(a);
- (f) has all of its claims canceled in a reexamination certificate; or
- (g) is otherwise not deemed to provide the rights conveyed by 35 U.S.C. 154 prior to the expiration of its full statutory term;



CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicant: Allan F. Willis, et al.

Application No: 09/887,279

Filed: June 22, 2001

For: Ballard Medical Products, a Corporation,

(Name of Assignee)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application identified above which was recorded in the Patent and Trademark Office at Reel 9439, Frame 0831, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the Patent and Trademark Office at Reel \_\_\_, Frame \_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

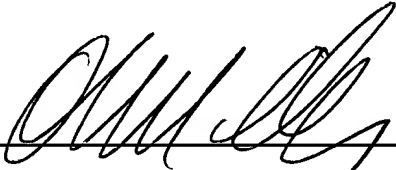
[ ] Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true: and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing there from.

Date:

 Aug 6, 2004

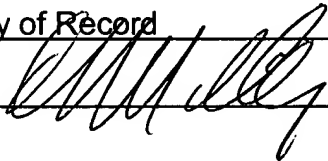
Name:

Douglas L. Miller, Registration No. 30,406

Title:

Attorney of Record

Signature:



Ballard Medical Products specifically does not disclaim any terminal part of any patent granted on the present U.S. patent application serial number 09/887,279 prior to the expiration date of the term defined in 35 U.S.C. 154 and 156, including any term extensions, as applicable to any patent granted on U.S. patent numbers 5,997,503 and 6,264,631.

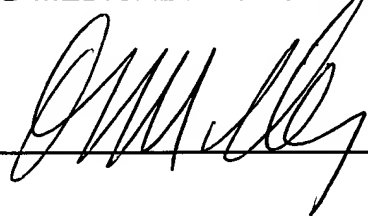
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**Fee**

Pursuant to 37 C.F.R. 1.321(c)(1), a fee of \$110.00 in accordance with 37 C.F.R. 1.20(d) is included. This Terminal Disclaimer is filed in duplicate.

Respectfully submitted,

BALLARD MEDICAL PRODUCTS

BY: 

BY: Douglas L. Miller

Title: Attorney of Record

Date: 8/4/04

**CERTIFICATE OF MAILING**

I, \_\_\_\_\_, hereby certify that on August 10, 2004, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Denise Bulkeley

By: \_\_\_\_\_